

REMARKS

Applicants thank the Examiner for indicating that their previous response was fully responsive and for entering and considering the previous amendment. Applicants also thank the Examiner for indicating that claims 37 and 41 (f)-(j) are allowed.

Claim Amendments

Applicants have amended pending claim 1 to place it into condition for allowance. Claim 1(c) now recites a polynucleotide comprising 15 nucleotides of SEQ ID NO: 154, wherein the 15 nucleotides comprise the nucleotide sequence of SEQ ID NO: 90, wherein position 7 of SEQ ID NO: 90 is an A. Also claim 1(d) now recites a polynucleotide encoding a polypeptide comprising the amino acid sequence of SEQ ID NO: 155, wherein position 21 of SEQ ID NO: 155 is isoleucine. Support for these amendments can be found in the specification as filed. *See e.g. page 12-13 and Table 3 on page 43.*

Applicants have also amended claim 41 to recite the complement of any of polynucleotides (f) to (j).

Applicants have also canceled claims 7 and 8.

Applicants have made these amendments expressly without waiver of their right to file for and to obtain claims directed to the canceled subject matter in applications claiming priority and benefit herefrom. None of these amendments adds new matter

Upon entry of the amendments, claims 1, 4-6, 12-13, 37, and 39-41 will be pending in this application.

The Rejection

35 U.S.C. §112, second paragraph (Indefiniteness)

Claims 1, 4-8, 12-13, and 39-40 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Specifically, the Examiner argues that claim 1(c) is unclear because SEQ ID NO: 90 already comprises a T at the position corresponding to position 6 of SEQ ID NO: 90 and claim 1(d) is unclear because SEQ ID NO.: 155 already comprises the amino acid M at the position corresponding to position 21 of SEQ ID NO.: 155. Further, the Examiner states that he was not persuaded by the applicants' use of "corresponding position" language to account for changes in the amino acid position due to deletions or additions elsewhere in the sequence. Applicants traverse.

Solely to expedite prosecution and to place the rejected claims in condition for allowance, claim 1 (and thus dependent claims 4-6, 12-13 and 39-40, claims 7 and 8 being canceled) has been amended to recite that position 7 of SEQ ID NO.: 90 is an A and position 21 of SEQ ID NO.: 155 is isoleucine. The amendment also removes "corresponding position" language.

Table 3 on page 43 of the specification lists two polymorphisms that exist between nucleic acid residues 166 and 176 of SEQ ID NO: 154. These adjacent polymorphisms are M5 (21867C>T) and M15 (21868G>A). Additionally, page 13 of the specification states that "The polynucleotide of the invention may be....any of those polynucleotides either alone or in combination." Thus, as amended, claim 1 now recites SEQ ID NO:90 and SEQ ID NO:155 comprising the M15 polymorphism in addition to the M5 polymorphism. Amended claim 1 (and

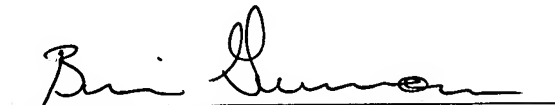
thus dependent claims 4-6, 12-13 and 39-40, claims 7 and 8 being canceled) is definite.

Accordingly, applicants request reconsideration and withdrawal of this rejection.

CONCLUSION

For all of the above reasons, applicants request that the Examiner reconsider and withdraw the sole remaining rejection and allow claims 1, 4-6, 12-13, 37, and 39-41, now pending in this application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jane T. Gunnison", is written over a horizontal line.

Jane T. Gunnison (Reg. No. 38,479)
Attorney for the Applicants
Brian M. Gummow (Reg. No. 63933)
Agent for the Applicants
ROPES & GRAY LLP
(Customer No. 1473)
1211 Avenue of the Americas
New York, New York 10036
Tel.: (212) 596-9000
Fax.: (212) 596-9090